

البيئة المردودة بين القانون والشريعة الإسلامية

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Abstract

This research deals with inadmissible evidence both in law and Islamic Sharia in a comparative Study . The concept of evidence is analysed verbally as well as in jurisprudence and legal terminology .

The condition of admissibility of evidence in Sudanese law is also discussed in comparison with admissibility condition in other jurisdiction and in Islamic Sharia .

The research discusses two main types of evidence , namely :

I. Pre-trial evidence , witch include :

- Evidence that violates principles of Islamic Sharia , law , justice or public policy ;
- Evidence based on personal knowledge of a judge ;
- Evidence introduced by one party to refute his awn assertions ;
- Opinion evidence by non-expert ;
- Bahamian evidence .

II. Post-trial evidence , witch include : objection against a witness's testimony for suspected homage , interest or adversity ; or by reason of a former proven falsehood of a witness , such as a witness convicted of GADHF or perjury .

The conclusion of the research contains the result and recommendations .

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²-Cross, outline of the law of Evidence, third ed, 1971, p.162.

³ - Cross, outline of the law of Evidence –cit, p.164.

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¹ - Cross, outline of the law of Evidence –cit, p.166.

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¹ -Krishna Vasdev, The Law of evidence in the Sudan, p215.

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² -Krishna Vasdev, The Law of evidence in the Sudan, p220.

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² -Krishna Vasdev, The Law of evidence in the Sudan, p222.

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⁴ -Krishna Vasdev, The Law of evidence in the Sudan, p224.

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¹ -Krishna Vasdev, The Law of evidence in the Sudan, p219.

² -Krishna Vasdev, cit , p221.

³ - Krishna Vasdev, cit , p223.

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² -Krishna Vasdev, cit , p225.

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¹ -Krishna Vasdev, cit , p230.

² -Krishna Vasdev, cit , p231.

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Cross, outline of the law of Evidence, cit, p.30.-⁴

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Cross, outline of the law of Evidence, third ed.
 Krishna Vasdev, The Law of evidence in the Sudan.

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